

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

JOHN RYBARCZYK,
a.k.a. "Ultra_calls"

Defendant.

Case No. 4:22-cr-612-3

UNDER SEAL

**GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT
RYBARCZYK'S RENEWED MOTION TO MODIFY BOND CONDITONS**

The United States, by and through undersigned counsel, respectfully files this opposition to Defendant RYBARCZYK's motion seeking permission to remove his Court ordered GPS monitoring device. (*See* Def.'s Mot., ECF No. 321.) The Defendant's motion should be denied because a change in his release conditions is unwarranted, as elaborated below.

I. Motion is Untimely

Proceeding without an additional recitation of the now-familiar procedural history, the United States notes that Defedant Rybarczyk's latest motion to modify his bond conditions addresses a perceived issue that that has not yet arisen. Defendant Rybarczyk requests unmonitored movement to shield a baby that not yet present to register complaints and whose sleep patterns may be wholly unaffected by the monitoring system. The Court's attention may be required if such an issue arises; at the moment, however, there is

no issue for the Court to address, rendering the motion untimely, should it even need to be addressed at all.

II. The Case Against the Defendant has Strengthened since his Arrest

As the Defense correctly notes, the United States' case against Defendant Rybarczyk has strengthened significantly since the initial order of monitoring now that two of Defendant Rybarczyk's co-defendants have pled guilty and are assisting the United States in its prosecution. As the case against Rybarczyk builds, so too does his incentive to flee. And, as noted by the Defense, the results of the forfeiture hearing left Defendant Rybarczyk with ample, if significantly depleted, funds with which to abscond.

III. United States Probation takes no Position on this Request

A conversation with the Defendant Rybarczyk's Probation officer confirmed that, per policy of the United States Probation Department, the Probation Department takes no position on this request, other than to note that Defendant Rybarczyk is currently in compliance. As in all such requests, the United States Probation department is neither opposed or unopposed, instead deferring to the wisdom of the Court as a neutral party. Asserting that the Probation Department is "unopposed" is technically correct but could be considered misleading out of context.

IV. Conclusion

This Court has correctly identified defendant Rybarczyk as a flight risk. Defendant Rybarczyk's legal peril flight has only compounded since the Court's first imposed

monitoring. Given the untimely nature of this motion, the United States urges that the Court maintain Defendant Rybarczyk's current bond conditions.

Dated: July 17, 2023

Respectfully submitted,

ALAMDAR S. HAMDANI
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Southern District of Texas

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UNITED STATES OF AMERICA

v.

**JOHN RYBARCZYK,
Aka “Ultra_Calls,”
Defendant.**

Case No. 22-CR-00612-3

ORDER

HAVING CONSIDERED Defendant Rybarczyk’s Motion to modify his bond condition to remove electronic monitoring, as well as the Government’s response in opposition, the COURT rules accordingly:

_____ GRANTED

_____ DENIED

Signed at Houston, Texas this the _____ day of _____,
2023.

THE HONORABLE ANDREW HANEN
UNITED STATES JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2023, I will cause the foregoing brief to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide copies to counsel for all parties, and serve a copy via email to Defendant's attorney of record, Quentin Williams, at tate@hilderlaw.com.

/s/ Thomas H. Carter

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